

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFREY RANDOLPH WATTERSON and)
RANDOLPH ALEXANDER WATTERSON,)
)
Plaintiff,)
)
vs.)
)
WOODY BURGESS, JASON GREEN,)
FRANKIE DELLINGER, JENNIFER HOYLE,)
DAVID HODKINS, BOB AUSTELL, MIKE)
ALLRED, and the CITY OF CHERRYVILLE,)
)
Defendants.)

ORDER


THIS MATTER is before the Court on *sua sponte* regarding service of Plaintiffs' Summons and Complaint. As directed by the Court, Plaintiffs prepared the summonses but addressed several of them to addresses associated with certain Defendants' employment at governmental agencies. The Court takes judicial notice of the fact that several Defendants are no longer employed at these governmental agencies. Instead of the U.S. Marshal attempting service and returning the summons unexecuted, which could result in the dismissal of this matter if service is not timely made, the Court will require the U.S. Marshal to use reasonable efforts to locate and obtain service on the named Defendants in this case. See Greene v. Holloway, 210 F.3d 361 (4th Cir. 2000) (where the district court dismissed a defendant in a Section 1983 action based on the prisoner's failure to provide an address for service on a defendant who no longer worked at the sheriff's office, remanding so the district court could "evaluate whether the marshals could have served [Defendant] with reasonable effort").

IT IS, THEREFORE, ORDERED that The U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendants. If the U.S. Marshal is unable to locate and obtain service on Defendants, the U.S. Marshal shall inform the Court of the efforts made in attempting to locate them.

The Clerk is respectfully directed to serve a copy of this order on the U.S. Marshal.

IT IS SO ORDERED.

Signed: May 21, 2014



Frank D. Whitney
Chief United States District Judge

